

STATEMENT IN NONCONCURRENCE OF IOLTA WORKING GROUP
MEMBER ACTIVE RETIRED JUSTICE ROBERT W. CLIFFORD

I agree with the recommendation of the majority members of the Judicial Branch IOLTA Working Group that Rule 6(a) should be amended to ensure that the Maine Justice Foundation should provide IOLTA funds only to charitable corporations exempt from taxation under IRC § 501(C)(3).

I disagree with, and do not join in, most of the recommendations of the majority of the members of the Working Group. I, along with Working Group member, Attorney Stephen C. Smith, support the adoption of a proposed amendment to M.R. Civ. P. 6(e) that would prohibit IOLTA funds from being expended to provide direct or indirect support for political or ideological activities, including:

- (A) supporting or opposing candidates for elective office;
- (B) supporting or opposing ballot initiatives or referenda;
- (C) lobbying in support of or in opposition to pending or proposed legislation;
- (D) seeking public support through the media, including social media, to support or oppose legislation, ballot initiatives or referenda, or candidates for elective office; or
- (E) voter registration, voter education, voter signature gathering, or get-out-the-vote actions.

In my judgment, IOLTA funds should be limited to providing direct legal services to low income and qualifying individuals and that such funds should not be used to provide direct or indirect support of political or ideological activities.

IOLTA is a program that generates funds from bank accounts of attorneys or clients. The use of funds for systemic advocacy and lobbying purposes, purposes that are inherently political and that may be contrary to the political views of the owners of the IOLTA accounts from which they are mandatorily taken, is, in my view, improper.